IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 234 OF 2007

SHRI BHIKARO PANDHARI NAGVEKAR AND ANR., ... Petitioners

Versus

SHRI DADU R. AMBRE AND 2 ORS., ... Respondents

Ms. A. A. Agni, Advocate for the petitioners.
Mr. A. D. Bhobe, Advocate for the respondents No.1 and 2.

Coram:- R. S. MOHITE, J.

Date:- 28th September, 2007

P.C.

This is a petition by the petitioners against the concurrent findings of the lower Courts refusing the relief to the petitioners who are the original plaintiffs. The petitioners had claimed an access through the land of the defendants bearing Survey Nos.60/12 and 60/10. The petitioners have purchased land by a registered sale deed executed in the year 1983. The land is surveyed under No.60/7. Both the Courts below have refused injunction relating to access on the ground that the access claimed by the original plaintiffs is not shown on the survey records. The Courts have also relied upon the photographs produced by the defendants which indicate that there is an alternate access of 2 metres.

2. The defendants' land bears survey Nos. 60/9 and 60/11. The survey report indicating this, was filed by the defendants. The only material produced by the plaintiffs were affidavits. There is nothing perverse in the orders passed by the lower Courts. Hence, this petition is rejected. Ad interim relief stands vacated. It is made clear that the plaintiffs are permitted to use the access of 2 metres through the defendants' land bearing Survey No. 60/9 and 60/11, pending the hearing

and disposal of the suit.

R. S. MOHITE, J.

ssm.